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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY,)
Plaintiff,)
v.)
KEN SALAZAR, in his official capacity as)
Secretary of the Interior; and UNITED STATES)
FISH AND WILDLIFE SERVICE, an agency of)
of the United States Department of the Interior,)
Defendants)

))
Case No. 3:09-cv-01415-TEH
**JOINT STIPULATION FOR
EXTENSION OF TIME**

Plaintiff Center for Biological Diversity (“Plaintiff”) and Defendants United States Fish and Wildlife Service *et alia* (“Federal Defendants”), by and through their undersigned counsel, pursuant to Civil L.R. 6-2(a), present this second stipulation to enlarge the deadlines for Federal Defendants to file an Answer as well as a brief in response to Plaintiff’s Motion for Summary Judgment and for Plaintiff to file a reply in support of its Motion for Summary Judgment. The

Joint Stipulation for Extension of Time
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1 Parties also request to continue the hearing on Plaintiff's Motion for Summary Judgment.

2 The Parties state as follows:

3 WHEREAS, pursuant to Civ. L.R. 6-2, “[t]he parties may file a stipulation, conforming to
4 Civil L.R. 7-12, requesting an order changing time that would . . . extend time frames set in the
5 Local Rules or in the Federal Rules;” and

6 WHEREAS, Plaintiff served its Complaint on the Federal Defendants on April 9, 2009
(Docket # 5), and Federal Defendants' Answer is due June 10, 2009,

7 WHEREAS, Plaintiff filed a Motion for Summary Judgment on May 8, 2009 (Docket # 6),
8 and noticed a hearing on that motion for June 15, 2009.

9 WHEREAS, the Parties have stipulated to one previous extension of time based on a
10 proposed settlement of the claims in this case.

11 WHEREAS, in an order filed May 19, 2009 (Docket #10), the Court adopted the Parties'
12 stipulation as an order of the Court, continued the hearing on the Motion for Summary Judgment
13 until June 29, 2009, and enlarged the time for Federal Defendants to file an Opposition to Summary
14 Judgment until June 8, 2009, and for Plaintiff to file its Reply until June 11, 2009.

15 WHEREAS, the Parties have reached a tentative proposed settlement of Plaintiff's claim in
16 this case. In the time elapsed since the Court granted the Parties' first stipulation for extension of
17 time, the Parties drafted a proposed stipulation for settlement and continued to negotiate other
18 elements necessary to complete settlement of this case. Counsel for the Parties are now preparing
19 the requisite papers for submission to the United States Department of Justice and the Parties in
20 support of the proposed settlement, and actively seeking the approvals and authorizations necessary
21

1 to settle Plaintiff's Complaint. The Parties wish to conserve their and the Court's resources by
2 deferring the expenditure of significant time and resources on the active litigation of this case while
3 their settlement negotiations and approval processes are underway.
4

5 WHEREAS, the Parties request that all filing deadlines and events set in this case for the
6 next three weeks be vacated and suspended until after the Parties file a status report on June 25,
7 2009, reporting on their proposed settlement of this case and making a proposal to the Court about
8 whether and how to proceed with this case.
9

10 WHEREAS, the agreed-upon extension will not affect or alter any current scheduling
11 deadlines fixed by this Court's Order Setting Initial Case Management Conference and ADR
12 Deadlines, filed April 1, 2009; and
13

14 WHEREAS, granting this joint request for extension of time will not cause any undue
15 prejudice or harm to the interests of the Parties herein. Rather, it will serve the public interest by
16 enabling the judicious use of limited resources and allowing the Parties to focus their attention and
17 energy on their efforts and energies to completing their tentative proposed settlement.
18

NOW, THEREFORE, the Parties stipulate as follows:

19 1. On June 25, 2009, the Parties shall file a Joint Status Report informing the Court of the
20 status of their efforts to resolve the issues and claims in this case and making a proposal to the Court
21 about whether and how to proceed with this case.
22

23 2. All proceedings in this case are stayed until June 25, 2009, including the deadlines for
24 Defendants to file an Answer to the Complaint and for the Parties to file response and reply briefs
25 on Plaintiff's Motion for Summary Judgment.
26

1 3. The hearing presently set for June 29, 2009, shall be continued to July 13, 2009, at 10:00
2 AM.
3
4

5 Respectfully submitted this 2nd day of June, 2009.

6 JOHN CRUDEN, Acting Assistant Attorney General
7 JEAN E. WILLIAMS, Chief
8 LISA L. RUSSELL Assistant Chief

9 By: /s/ John H. Martin, III
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18 Attorneys for Plaintiff

19 PURSUANT TO STIPULATION, IT IS SO ORDERED,

20 DATED: 06/03/09



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